United Nations A/HRC/29/NGO/25

General Assembly

Distr.: General
4 June 2015

English only

Human Rights Council
Twenty-ninth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-11375 (E)
1511375

Please recycle

No Trial, No Advocate, No Verdict

It is often said that actions speak louder than words. Israel's boycott of Agenda item-7 of the UN Human Rights Council (HRC) in itself speaks loud and clear to the international community. It might say, among other things, that Israel considers itself above and beyond the norms, standards, and international laws that govern the large landscape of universal human rights. In reaction, the leaders of human rights and democracy are not only dead silent, but also tragically complacent. If the USA, European Union Member States (EU), and other countries cannot challenge Israel's arrogant defiance, why have they joined its non-cooperation with the Council, when even bats and owls should begin to see clearly how the Occupying Power has turned the boycotted agenda item-7 into a tactic of further oppression!

The international community is genuinely horrified at how Israel has these tigers of human rights by the tail. In such a pervasive mood of moral exhaustion and impotence, human rights defenders are no longer certain whether or not the USA and EU Member States are able to guide Israel towards respect of human rights. Instead, in Israel's tug of "*might makes right*", Israel seems to be influencing the USA and EU Member States towards justifying its human rights violations and racial discrimination against the occupied Palestinian people. Their failure to support action by the HRC to make Israel accountable for its violations of the human rights of the Palestinians means non-participation in enforcing the rule of law to stop more and more denials and violations.

Israel's exercise of power politics was also evident in the elections campaign of Benjamin Netanyahu in which he promised not to allow a Palestinian State in the Occupied Palestinian Territories (OPT). Yet the Israeli Prime Minister's speech to U.S. Congress in March 2015 was met with 28 standing ovations in 47 minutes. Israel's manipulation of some of its closest allies raises serious concerns of whether they are capable of leading Israel to peaceful co-existence with its neighbors, or whether it is Israel that is leading the U.S., for instance, towards more chaos in its so-called creation of the Greater Middle East! How can any U.S. administration be trusted as a neutral broker of peace talks between the Occupying Power and the occupied Palestinian people when Israel seems to exercise more influence over U.S. foreign affairs and international relations than U.S. has over Israel!

There is no doubt that the apartheid in Israel is one of the worst because it is inherent in the very Zionist philosophy of the State and its apartheid system application of racist laws and practices, in the absence of written legislation. The intentional abuse of the rule of law severely undermines the appearance of democracy. The system is supported by a whole State structure to keep the decades-long occupation, oppression, and ethnic cleansing of Palestinians. Roadmap to roadmap, separation wall to separation wall, have been negotiated in good faith by the international community, without realizing that the first step taken might had been in the wrong direction, because the bias of the USA to Israel has made Palestinians' quest for self-determination lose its way from the very start. The hopeless circularity has made it possible for Israel to violate Palestinian rights with impunity with the ultimate declared aim of driving them out of their homeland.

Part of the problem from the beginning has been not only with the tragically biased U.S. peace process by threats of punishment to the Palestinians if they do not yield, but also with the questionable role the United Nations (UN) has played throughout. Yet many people working at the UN seem to have heard so much about the OPT that they almost suggest that they have heard enough. The HRC has heard clever speeches that its agenda item-7 is "over-saturated" with criticisms of the violations of the Occupier Israel, proposing to remove this item altogether from the agenda, a step that amounts to complete surrender to these violations.

What exactly is it that Palestinians must address and discuss at the HRC if not the human rights violated under Israeli occupation? When no conclusive arguments are brought to bear upon Palestinians right to resist an occupation, even children throwing stones at Israeli soldiers are branded as terrorists nowadays. The mountains of UN and NGOs reports on the grave human rights record of Israel cannot be swept away because of some states decision not to participate in the discussion. In spite of noble words, what does this one-sided justice tell us about the boycotters of agenda item-7 of the HRC! Those states should seriously reconsider the long-term impact of such misalliance, especially the effect of the use of double standards in the compliance with human rights as well as the respect for the rule of law and principles of humanitarian international law.

The brutal force and violence with which the inhuman system in the OPT is kept going is a test case of the responsibility of states to abide by the rule of law in settling international conflicts, and in particular, to act in compliance with the resolutions they voted for in UN General Assembly. To the dismay of human rights observers, there is a kind of right or privilege, a sense of entitlement, to resolve Israel's international conflicts by the flexing of muscles. The ruthless trading of votes on resolutions and diplomatic insincerity, push aside most of the wrongs perpetrated by the Occupying Power against the occupied people, under its own heel.

Behind the enduring of Palestinians there is the unrelenting hope for and trust in the international community's support of their right to self-determination and the other rights repeatedly confirmed by UN General Assembly. That unyielding strength in the justice of a cause is what makes a Palestinian survive yet another day, another year, another decade, under worsening conditions of degradation and dehumanization. Washing one's hands of the crimes committed by an empowered Occupier against an occupied People means to side with the powerful, not to be neutral.

History repeats itself and a common pitfall is that "*for the powerful, crimes are those that others commit.*" By blaming the victim, some states are closing their eyes to the vast damage produced by their hypocrisy in the international community as a whole. They are allowing the Occupier to be the judge and jury for Palestinians not only in the OPT, but also at the UN. The more battles Palestinians lose in their struggle for their rights, the greater the loss for the International community in guaranteeing the rule of law for succeeding generations of humanity at large.

Recognizing Israel's influence to stop others from speaking up at the UN for those who have no influence does not diminish Palestinians willpower to withstand the abandonment of a handful of compromisers of principles, pretending to speak on behalf of an advanced and civilized world. Nevertheless, the ramifications of double standards are grievous and wide-ranging. So far, the marginalization of item-7 has encouraged Israel to continue its illegal siege of Gaza, expansion of settlements, failure to protect Palestinians and their properties from State-supported settler violence, institutionalized racial discrimination, segregation, population transfer, and deliberate refusal to cooperate with UN mandate-holders, which is a further violation of the legal obligations of Member States in the UN. By not holding Israel accountable, the effectiveness and moral authority of the HRC is being undermined, as well as, the credibility of the UN in maintaining peace and security.

What are the Palestinians to do in this world disorder, the lawlessness of leadership, the fraud and lies, the non-transparency and legal vacuum??? When stone-throwing Palestinian children are jailed, abused, traumatized, tortured, forced to stay in isolation in their cells, day and night, deprived of their inalienable rights to live as children live everywhere in this world, when the universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, become empty words! When all human rights principles are forsaken… Only the hollow echo of the boldness of the illegitimate reasoning of the pirates of human rights remains, preaching to the international community about the dangers of extending to an occupied people, cramped in bombarded concentration camps, the rights and privileges, which they claim for themselves.

Cruelty was the familiar air the persecuted Jews breathed during the Nazi period. Why should cruelty and disdain for others be the air that Israel makes Palestinians breath under its occupation! If only the injured injures, then those who were responsible for the persecution of Jews in Europe are legally and morally responsible for the Israeli persecution of Palestinians too. Their silence now, as their silence then, is the ultimate betrayal not only of the legacy of the Holocaust and Palestinians alike, but also a betrayal of the UN Charter promises and aspiration "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."

EAFORD/May 2015